

DOCKET NO. 2003:10.001.WS0
U.S. SERIAL NO. 10/695,232
PATENT

REMARKS

Claims 1-23 were originally filed in the present application.

Claims 1-23 are pending in the present application.

Claims 1-23 were rejected in the March 24, 2008 Office Action.

No claims have been allowed.

Claims 1 and 13 are amended herein.

Reconsideration of the claims is respectfully requested.

In Section 4 of the March 24, 2008 Office Action, the Examiner rejected Claims 1-6 and 13-18 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,317,609 to *Alperovich, et al.* (hereinafter, simply "Alperovich"), in view of U. S. Patent No. 7,002,959 to *Suzuki, et al.* (hereinafter, simply "Suzuki").

Applicant has amended Claims 1 and 13 to provide clarity as to the novel features of the pending disclosure. Specifically claim 1 now recites:

A wireless network for providing a packet data call connection between a source mobile station (MS) and a destination mobile station (MS) in a coverage area of said wireless network, said wireless network comprising:

a first base station capable of wirelessly communicating with said source mobile station;

a second base station capable of wirelessly communicating with said destination mobile station; and

a mobile switching center capable of connecting said first and second base stations, wherein said mobile switching center is capable of controlling said source mobile station and said destination mobile station, wherein said mobile switching center promotes streaming data applications through the packet data call connection, and wherein said first base station is capable of receiving a first message from said source mobile station requesting an MS-MS packet data call connection to said destination mobile station and, in response to said first message, said first base

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station initiates establishment of said MS-MS packet data call connection on a local Internet Protocol (IP) network coupling said first and second base stations by transmitting an IP address of said first base station. [Emphasis Added]

Applicant respectfully submits that none of the cited art of record discloses a mobile switching center capable of "controlling said source mobile station and said destination mobile station" or promoting "streaming data applications through the packet data call connection". These limitations have been added to Claims 1 and 13. Applicant respectfully submits that this amendment does not introduce any new matter and is fully supported by the original specification, including paragraphs 34 and 35, which are reproduced below:

[034] According to the principles of the present invention, the mobile stations in wireless network 100 are capable of executing streaming data applications (e.g., video phone). To facilitate these high-speed applications, the present invention provides low latency, low delay IP connections between base stations via line 131, without sending data packets through PDSN 150. The present invention comprises a system and method of messaging (based on the TIA-2001-C standard) between the base stations of a cdma2000 radio access network (RAN).

[035] The present invention is based on the following assumptions:

- i) Both mobile stations are currently in cells that are under the control of a single mobile switching center (i.e., MSC 140);
- ii) An IP-based packet switched network (i.e., line 131) connects all base stations under the control of MSC 140;
- iii) All billing for the MS-MS data call is done at MSC 140 and is based only on air time; and
- iv) The MS-MS data call does not go dormant (i.e., both mobile stations stay on the traffic channels for the duration of the data call).

It is respectfully submitted that the added limitations to independent Claims 1 and 13 are not anticipated, taught, or suggested by the prior art of record. Alperovich is directed towards only sending single digital images, and not the same "streaming" applications as those discussed in the disclosure. Suzuki does not cure this deficiency.

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In Section 5 of the March 24, 2008 Office Action, the Examiner rejected Claims 7-12 and 19-23 under 35 U.S.C. §103(a) as being unpatentable over Alperovich reference in view of Suzuki reference, as applied to claims 1 and 13, respectively, and in view of U.S. Patent Application Publication No. 2003/0119518 to *Cleveland, et al.* (hereinafter, simply "Cleveland").

Claims 7-12 and 19-23 depend from Claims 1 and 13 and include all the limitations of their respective base claims. As such, the combination of Alperovich, Suzuki, and Cleveland fails to describe all the limitations of Claims 7-12 and 19-23 and Claims 7-12 and 19-23 are therefore patentable over the cited references.

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SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of the pending claims and that this application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@munckcarter.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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